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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/941,420      | 08/28/2001  | Yoshinobu Meifu      | FUJS 18.945         | 7342             |

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EXAMINER

MANIWANG, JOSEPH R

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2144

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                     |  |
|------------------------------|--------------------------------------|-------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/941,420 | <b>Applicant(s)</b><br>MEIFU ET AL. |  |
|                              | <b>Examiner</b><br>Joseph R Maniwang | <b>Art Unit</b><br>2144             |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11/17/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-47 is/are allowed.
- 6) ☒ Claim(s) 1,2,10,13,15-18,24,26 and 29 is/are rejected.
- 7) ☒ Claim(s) 3-9,11,12,14,19-23,25,27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to: See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/09/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). Applicant claims priority to application JAPAN 2001-024870, filed on 01/31/01.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 10/09/01 were in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements were considered by the Examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 15-18, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitano et al. (U.S. Pat. No. 5,926,116), hereinafter referred to as Kitano.

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5. Regarding claims 1 and 18, Kitano disclosed a database (managing unit) for managing data (space range information) including position information correlated with a URL (supply information), and a fetching means (extracting/providing unit) for retrieving and providing information based on the position of a user (see column 2, lines 42-55). Kitano further disclosed a means for updating position information (see column 3, line 64 through column 4, line 13; Fig. 2).
6. Regarding claim 2, Kitano disclosed a means for defining characteristics (behavior) of an image, and for updating the image based on such characteristics (see column 3, line 64 through column 4, line 13; Fig. 2).
7. Regarding claim 15, Kitano disclosed updating URLs according to update information received from a user terminal (see column 3, line 64 through column 4, line 13; Fig. 2).
8. Regarding claim 16, Kitano disclosed processing position information of a user for fetching and providing an image (geographical representation form in real physical space) corresponding to the position information of the user (see column 5, lines 18-48).
9. Regarding claims 17 and 29, Kitano disclosed using latitude and longitude to define the range of a particular point of interest (see column 3, lines 66-67), and implicitly disclosed the use of a radius as a user could be in proximity to a point of interest to produce a successful fetch (see column 5, lines 49-54).
10. Claims 1, 2, 10, 13, 15-18, 24, 26, and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Ellenby (U.S. Pat. No. 6,173,239).

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11. Regarding claims 1 and 18, Ellenby disclosed a database (managing unit) for storing position information (see column 4, lines 50-66) and associated supply information (see column 6, lines 7-18). Ellenby disclosed extracting and providing such supply information based on the position of a user (see column 7, lines 25-41). Ellenby further disclosed a means for updating the position of an information object (bubble) as claimed (see column 7, lines 49-58).

12. Regarding claim 2, Ellenby disclosed a means for defining the behavior of an object and for updating its position information based on such behavior (see column 7, lines 42-58).

13. Regarding claim 10, Ellenby disclosed setting a condition with respect to time regarding when to update an object's position information (see column 7, lines 42-58).

14. Regarding claims 13 and 15, Ellenby disclosed programming supply information into the database (see column 4, lines 50-62; column 6, lines 25-52), implicitly disclosing updating such information using a user terminal as claimed.

15. Regarding claim 16, Ellenby disclosed processing position information for retrieving information (geographical representation form) and providing it to the user through an interface (see column 6, lines 1-6).

16. Regarding claims 17 and 29, Ellenby disclosed the use of latitude, longitude, altitude, and radius as claimed (see column 4, line 63 through column 5, line 9).

17. Regarding claims 24 and 26, Ellenby disclosed updating position information of an object at predetermined periods of time (see column 7, lines 49-58). It is inherent

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that a position of such a moving object would include an initial position registered with the database.

### ***Claim Objections***

18. Claim 11 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 11 recites the limitation "wherein said information bubble behavior setting unit sets an initial registered position for said information bubble as said specific position" and depends from claim 5, which also exactly recites "wherein said information bubble behavior setting unit sets and initial registered position for said information bubble as said specific position".

### ***Allowable Subject Matter***

19. Claims 3-9, 11, 12, 14, 19-23, 25, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20. Claim 30-47 are allowed.

21. The following is an examiner's statement of reasons for allowance:

22. The provision for a space information service for managing object data including position information corresponding to a real physical space correlated with additional

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associated data; providing such associated data to a user terminal based on the position of a user terminal; storing service mode attributes, charge type information relating to a plurality of types of service charges, and a charge account; a charge policy setting unit for arbitrarily combining various kinds of information to set a charged account for an arbitrary service mode and an arbitrary service charge; and a charge processing unit to charge said service charge to said charged account according a policy set by the charge policy setting unit is not fairly taught or suggested by the prior art of record.

Support for this functionality can be found on p. 101, line 6 through p. 137, line 9 and Fig. 44.

23. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellenby et al. (U.S. Pat. No. 6,522,292) disclosed a system with a device for directionally addressing objects and searching a database for information relating to the addressed objects.

Nagai (U.S. Pat. No. 6,138,072) disclosed a navigation device for browsing an Internet URL based on a GPS position.

Gotou et al. (U.S. Pat. No. 6,789,102) disclosed a system for retrieving information based on the position of a communication terminal.


Mikkola et al. (U.S. Pat. No. 6,529,143) disclosed an information retrieval system for transmitting information to a user in proximity to a point of interest.

Payton et al. (U.S. Pat. No. 6,507,802) disclosed a method and system for tracking user position and gaze direction in a physical environment to determine common interests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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